

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:18CR40

TARA PONCEROFF,

Defendant.

MOTION FOR DETENTION

The United States moves this Court to hold a detention hearing pursuant to 18 U.S.C. 3142(f) to determine whether any condition or combination of conditions will reasonably assure the appearance of defendant as required an the safety of other persons and of the community.

1. Eligibility of Case. This involves a:

- X   crime of violence. 18 U.S.C. § 3142(f)(1)(A); 3156(a)(4)(c)
- maximum sentence life imprisonment or death (18 U.S.C. § 3142(f)(1)(C))
- 10+ year controlled substance offense (18 U.S.C. § 3142(f)(1)(C))
- felony, with two prior convictions in above categories (18 U.S.C. § 3142(f)(1)(D))
- X   offense involves a minor victim (18 U.S.C. § 3142(f)(1)(E))
- offense involves the possession and/or use of a firearm (18 U.S.C. § 3142(f)(1)(E))
- offense involves a violation of 18 U.S.C. § 2250 (Failure to Register)(18 U.S.C. § 3142(f)(1)(E))
- serious risk defendant will flee (18 U.S.C. § 3142(f)(2)(A))

\_\_\_\_\_ serious risk obstruction of justice (18 U.S.C. § 3142(f)(2)(B))

2. Reason for Detention. The court should detain defendant because no conditions of release will reasonably assure (check one or both):

\_\_\_\_\_ Defendant's appearance as required

  X   Safety of any other person and the community

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against defendant pursuant to 18 U.S.C. § 3142(e). The presumption applies because:

\_\_\_\_\_ Probable cause to believe defendant committed 10+ year controlled substance offense or firearms offense or 18 U.S.C. § 924(c) 18 U.S.C. § 3142(e)(3)(A)

\_\_\_\_\_ The person has been convicted of a federal offense described in subsection (f)(1) or of a similar state offense. 18 U.S.C. § 3142(e)(2)(A); (f)(1)

\_\_\_\_\_ Previous conviction for offense described in 18 U.S.C. § 3142(f)(1) or similar state offense committed while on pre-trial bond, or a period of not more than 5 years has elapsed since the date of conviction or the release from confinement for the offense described in 18 U.S.C. § 3142(f)(1) or similar state offense.

  X   Probable cause to believe defendant committed one of the specified child exploitation offenses involving a minor victim. 18 U.S.C. § 3142(e)(3)(E).

\_\_\_\_\_ Defendant was previously convicted of an offense (State or Federal) that involves a crime of violence, or otherwise involves a minor victim, or the possession or use of a firearm, or failure to register as a sex offender. 18 U.S.C. § 3142(e)(2)(A); (f)(1)(E)

4. Time for Detention Hearing. The United States requests the court conduct the detention hearing. The United States expects to invoke the presumption in favor of detention.

\_\_\_\_\_ At first appearance

X   After continuance of   3   days (not more than 3)

5. Other Matters:

Defendant faces enhanced penalties due to prior conviction for similar conduct.

DATED: August 15, 2018

Respectfully submitted,

WILLIAM J. POWELL  
UNITED STATES ATTORNEY

By: /s/ David J. Perri

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